VIENNA, AUSTRIA
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When the World Conference on Human Rights convenes in Vienna in June 1993, one of the main concerns will be the need to enhance United Nations technical cooperation programmes aimed at promoting and protecting human rights. Says Antoine Blanca, Under-Secretary-General for Human Rights and Secretary-General of the World Conference, "Only substantial assistance to individual countries in order to develop appropriate national infrastructures will sustain the action of Governments in favour of human rights."

Specifically, Mr. Blanca has suggested that the Conference consider setting two main targets to be achieved by the year 2000:

- universal ratification of the International Covenants on Human Rights and other basic human rights instruments; and
- attribution of at least 0.5 per cent of total development cooperation budgets to human rights programmes.

The need for greater financial resources reflects one of the main, ongoing problems confronting the United Nations in its efforts to cultivate respect for human rights. As one United Nations official says, "The whole field of human rights is not given the importance it deserves in the world's overall development cooperation." Among other things, the World Conference hopes to change this situation, winning renewed commitment to technical assistance in the process.

Why should the world look to the United Nations for technical assistance in the field of human rights? First and foremost, the Organization is deeply committed to the cause. In 1948, as one of its earliest undertakings, the United Nations drafted and issued the Universal Declaration of Human Rights, the basic international pronouncement of the inalienable and inviolable rights of all members of the human family. The United Nations also has some unique comparative advantages: authoritative knowledge of how international human rights instruments work, decades of hands-on experience and, perhaps most essential, neutrality and objectivity.

All over the world, United Nations experts on human rights are sitting down with Government officials, police officers and judges to find ways to improve respect for human rights. The global endeavour is part of the United Nations Programme of Advisory Services and Technical Assistance in the field of human rights, an endeavour which dates back to 1955 but has greatly expanded since 1988 with the trend towards democracy in Latin America and the changes in Eastern and Central Europe. In 1991, the Centre for Human Rights, the programme's administrating body, received the largest number of requests for technical assistance in its history.

Technical assistance is usually offered in six areas:

- reforming national laws;
- advising on electoral procedures;
- assisting in the ratification of human rights treaties and preparation of national reports;
- supporting democratization;
- strengthening national and regional institutions; and
- training professionals in the administration of justice.

To these traditional concerns has been added a more recent emphasis on "preventive diplomacy" —the attempt to keep disputes from arising, escalating into conflict and spreading.

Among the nations currently benefiting from United Nations technical cooperation are: Mongolia and Romania, where advice has been offered about drafting new constitutions; Albania and Lesotho, where democratic elections have been the focus; and Bulgaria, Colombia, Costa Rica, Guatemala, Paraguay, Poland and Uruguay, which are strengthening their human rights institutions.

The incorporation of international human rights norms into national law is a key element in protecting human rights. Nowhere is this more important than in the case of a nation's constitution—the supreme law of the land. Accordingly, the Centre for Human Rights has been very active in this area.

In December 1990, the Centre organized a seminar on human rights in constitutional law for members of Romania's Parliamentary Commission charged with drafting a new constitution. Two months later, the Centre dispatched experts to provide additional advice on the draft document, focusing on its human rights components.

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Assistance on a new constitution was also provided to Bulgaria through a conference on human rights in constitutional and statutory development held in Sofia in January 1991. The meeting brought together international experts and members of the Bulgarian Grand National Assembly.

United Nations experts also went to Mongolia to meet with representatives of that country's Parliament assigned to draft a new constitution. Discussions held in June 1991 focused on all aspects of the draft, and in particular on clauses dealing with human rights from the viewpoint of international law. A final draft was submitted to the Mongolian Parliament in November 1991 and adopted in January 1992.

In an unprecedented initiative, the Centre convened a seminar on international human rights standards and constitutional law that featured the first discussion of constitutional issues among people representing a broad spectrum of South African society. The June 1991 debate in Geneva brought together ten international experts and 33 South African specialists involved in developing a constitution to replace the apartheid system. The participants focused on how to incorporate international human rights standards and provisions into the document.

Overall, says one Centre official, "the help in drafting constitutions has attained very good results. With a fairly cheap and short input, one can achieve constitutions that are sometimes even better than those of many Western countries. Countries have listened to the advice given".

Advising on electoral procedures

Advisory services on electoral procedures are provided at Government request. In April 1990, the Centre for Human Rights counseled Romania on the legal and technical aspects of democratic elections in connection with voting held there the following month. Since then the Centre has advised Romania on drafting legislation relating to electoral law as part of a "country programme" in human rights agreed to in 1991.

United Nations experts also visited Albania in March 1991 to provide assistance on the legal and technical aspects of the elections of 31 March 1991. After meeting with the Chairman of the Election Commission, the Chairman of the Computing Centre for the Elections, Government representatives and leaders of the major political parties, the experts provided the Albanian Government with observations and recommendations.

In November 1991, a United Nations team went to Lesotho to provide assistance on the legal and technical aspects of the elections scheduled for November 1992. Meetings were held with the King of Lesotho; the Minister of Law, Justice and Constitutional Affairs; the Chief Justice; and leaders of the 14 registered political parties. Extensive discussions also took place with the Ministry staff charged with drafting the electoral law and organizing the elections.

In these and other United Nations programmes focusing on electoral activities, one basic tool has been the Universal Declaration of Human Rights. Most recently, the use of local-language versions of the document contributed to the democratic process in Nicaragua and Namibia, where elections were held in 1990, and in Haiti, where two rounds of voting occurred in late 1990 and early 1991.

Assisting in the ratification of treaties and preparation of national reports

The submission of periodic reports to the United Nations organs established by the conventions on human rights is one of the obligations that States parties must fulfil under the relevant treaty.

Assistance has been provided to the Government of Guinea through the advisory services of a United Nations human rights expert, who visited the country and had consultations with the national authorities responsible for preparing periodic reports under the Covenant on Civil and Political Rights.

Regional and subregional training courses have been held in Africa, Latin America, Asia and the Pacific. In 1991, a national workshop was held in Moscow on the preparation of reports to UN human rights treaty bodies. In Iran, a national training course planned for August 1992 was to assist the Iranian authorities in preparing periodic reports to UN human rights bodies, in particular under the two International Covenants.

Supporting democratization

The process of democratization has been a prime focus of advisory services since 1988, when the Centre, reacting to events in Eastern and Central Europe, organized a human rights seminar in Moscow for the countries of the region—the first such seminar ever held. Assistance has been provided to several of these nations on holding elections, setting up national human rights institutions and drafting laws in line with human rights conventions.

Europe is not the only region to be experiencing the "outbreak" of democracy. Following the change of Government in Paraguay in early 1989, the Centre has been helping the new administration set up the proper infrastructure for promoting and protecting human rights. This project's main goals are to incorporate international human rights standards into the legal system and to set up a national human rights commission made up of Government representatives and those of non-governmental organizations (NGOs).

In addition, at the Government's request a human rights office has

been established within Paraguay's Ministry of Justice and Labour to serve as a focal point for human rights activities within the Government and for cooperation with NGOs. The Centre for Human Rights is also providing the country with consultants, lecturers, fellowships and documentation and is assisting in organizing workshops, training courses and a national information campaign.

Protecting human rights depends to a great extent on the adequacy and responsiveness of national institutions such as the courts and the administration. One programme in Uruguay is helping to set up a national infrastructure to promote human rights by hiring national human rights specialists, extending the reach of human rights education, bringing national laws in line with international provisions and organizing training courses for police, magistrates and prison officers. In 1991, Uruguay's Ministry of External Relations established a human rights unit responsible for carrying out the project and for coordinating overall human rights activities.

A country programme to strengthen institutions has been under way in Colombia since 1988, carried out by the Office of the Presidential Adviser for the Defence, Protection and Promotion of Human Rights. United Nations experts have assisted Colombian authorities in human rights education and in developing procedures relating to cases of involuntary or forced "disappearances". In addition, training courses have been organized for military personnel, judges, police and other law-enforcement officials.

The country programme for Guatemala, in operation since 1988, aims to strengthen institutions such as the Office of the Procurator for Human Rights and the Commission on Indigenous Communities of the Congress. Two United Nations experts are providing advisory services on human rights education and are assisting the Commission on Indigenous Communities in drafting laws. Training courses have been organized for administrators of justice, law enforcement officials and military officers.

Poland has been carrying out a programme designed to increase implementation of international human rights standards and to broaden participation of the public in human rights matters through wider dissemination of information on human rights and the training of administrators of justice. Begun in 1992 with the assistance of the Centre, the programme involves the collaboration of several national institutions, among them the Poznan Human Rights Centre of the Polish Academy of Sciences, the Human Rights Institute of the Ministry of Justice, the Human Rights Chairs at Lublin and Torun Universities and the Human Rights Foundation of the Polish Helsinki Committee.

Human rights mechanisms at the regional level and regional institutions are also indispensable for protecting and promoting human rights and fundamental freedoms. Since 1991, the Centre has been assisting the African Commission on Human and Peoples' Rights in setting up the infrastructure that will allow the Commission to fulfil its protection and promotion activities. One particular focus has been the creation of a documentation centre as a storehouse of African national legislation and judicial decisions.

The African Centre for Democracy and Human Rights Studies in Banjul, the Gambia, has developed a documentation and information centre for the region, provides training activities and disseminates information. UN assistance has included the provision of books and documentation and the financing of promotional activities.

Created in 1989, the Arab Institute of Human Rights in Tunis, Tunisia, has set up a documentation centre to promote human rights in the Arab world through training courses and the dissemination of information. UN assistance has enabled the Institute to develop its infrastructure, publish studies and periodicals, organize workshops and seminars and carry out research in several Arab countries, including studies on national legislation.

Training in the field of human rights includes seminars, courses, workshops, fellowships and scholarships. Since 1988, the United Nations has granted more than 200 fellowships and scholarships and organized about 30 training courses in all parts of the world involving some 2,500 administrators of justice. Among those held in 1991 were:

Brasilia, Brazil, 17-19 June: A national training course on the application of United Nations human rights mechanisms in the administration of justice, attended by Government representatives from 27 provinces and heads of military and police departments;

Moscow, 26-30 August: A workshop on international human rights instruments and reporting obligations, attended by officials from the Ministries of Justice, Foreign Affairs, External Relations and Justice as well as NGO representatives;

Bucharest, Romania, 23-25 September: A seminar on international human rights standards for judges of the Supreme Court of Romania, attended by Supreme Court judges and prominent human rights experts who discussed the role of the judiciary in a democratic society; and

Similar initiatives in Brazil, Bulgaria, Burkina Faso, Chile, Egypt, France, Indonesia, Italy, Malta, Mongolia, Namibia, Paraguay, Portugal, Swaziland and Venezuela, as well as in Greenland and at the United Nations Office in Geneva.

The impact of training courses is difficult to quantify. However, it is

known that several African participants in past seminars were encouraged enough to have since become leading figures in the democratic development of their countries.

The expansion of technical cooperation activities may have far-reaching consequences. Antoine Blanca has called human rights the "foundation on which democracy and development have to rest". With such fundamental issues involved, technical assistance has the potential to become the Centre's main tool for preventive diplomacy. Indeed, in carrying out comprehensive country programmes, the Centre has a prominent role to play in helping Governments build their capacities for developing effective democratic systems and lasting human rights reforms and infrastructures.

The Voluntary Fund for Technical Cooperation in the Field of Human Rights was set up in 1987 and is administered by the Centre for Human Rights. As of 31 May 1992, resources amounted to $5.4 million, with contributions received from 23 nations (including four developing countries) and six NGOs. Expenditures in 1991 covered advisory services of experts, training courses and workshops, strengthening regional and national human rights institutions and seminars for introducing human rights in newly democratized countries.

Requests for technical cooperation continue to pour in to the Centre. Thailand intends to develop a bureau of civil rights protection in the Office of the Procurator General. Mauritania has plans to adapt its legislation to the provisions of United Nations human rights instruments. The Philippines has requested assistance to train human rights investigators. Russia has indicated a need for advisory services to reform its judicial system. Other countries that have contacted the Centre for similar reasons have included Ecuador, Latvia, Kyrgyzstan, Sao Tome and Principe and Turkey.

But to achieve its goals, technical assistance needs adequate funding. Says Mr. Blanca: "Only a serious commitment by the international community to assist and cooperate in the development of human rights, in addition to strengthening the machinery of implementation, could give the World Conference the opportunity to succeed in its aims."

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"If human rights and democracy are to be meaningful, it is critical that developing countries be assisted in attaining an adequate standard of living. Civil and political rights must go hand in hand with equally important economic, social and cultural rights. [For] respect of human rights to be safeguarded, it is an advantage also to have corresponding economic and social development."

With these words, spoken at the 1991 United Nations General Assembly, Uganda's Minister of Foreign Affairs, Paul K. Ssemogerere, summed up a debate that has become increasingly important—the debate over the right to development. Indeed, human rights and development and the right to development will be major topics for discussion at the World Conference on Human Rights, to be held in Vienna, Austria, in June 1993.

The right to development has been defined as the right "to participate in, contribute to, and enjoy economic, social, cultural and political development". This definition is contained within the Declaration on the Right to Development, adopted by the United Nations General Assembly in 1986. The Declaration is the result of several United Nations efforts, dating back more than four decades, to define (and promote) that right.

Already in 1941, freedom from want was one of the "four freedoms" proclaimed as the objective of the Allies (the others being freedom of speech, of worship and from fear). The Allies repeated that commitment in the 1941 Atlantic Charter and the 1942 Declaration on the United Nations. In 1948, the right to development was confirmed in Article 28 of the Universal Declaration of Human Rights, which states that "everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized".

The 1966 International Covenant on Economic, Social and Cultural Rights marks a further step in elucidating that right. Article 11 of the Covenant, which is a legally binding treaty, obligates States parties to "recognize the right of everyone to an adequate standard of living . . ., including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation".

In 1969, the General Assembly proclaimed the Declaration on Social Progress and Development, stating that "all peoples and all human beings . . . shall have the right . . . to enjoy the fruits of social progress and should, on their part, contribute to it". But the most significant General Assembly action in this area occurred in 1986, with the adoption of the Declaration on the Right to Development. The Declaration established that right as "an inalienable human right by virtue of which each person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realized".

The Declaration proclaims, among other things, that:

- the human person is the central subject of development and should be the participant and beneficiary of the right to development;
- all human beings have a responsibility for development; and
- States have the primary responsibility for creating national and international conditions favourable to the realization of the right to development.

The Declaration also states that the right to development is both an individual and a collective right—a right of "every human person and all peoples"—and adds that "equality of opportunity for development is a prerogative both of nations and of individuals".

In the views of some developing countries, emphasis in the field of human rights has been put on the political and civil rights of the individual at the expense of development rights. Some nations have complained of a "hierarchy of rights", with the right to development in a lower position.

Nigerian delegate Olu Adeniji told the 1992 United Nations Commission on Human Rights that the world has interpreted violations of human rights only in terms of torture, denial of personal freedom, imprisonment without fair trial or involuntary disappearances. For too long, he said, the world has ignored the fundamental right to development and has not examined sufficiently the effect on human rights of a hostile international environment which has hindered national development.

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For the future, developing countries have asked that the international community demonstrate as much commitment to the promotion of economic, social and cultural rights as it has to the promotion of civil and political rights.

Which rights come first?

For some industrial countries, the civil and political rights of the individual are the pre-condition for the right to development. For some developing countries, instead, the right to development is the basis for civil and political rights.

According to the first viewpoint, development can be achieved only if all individuals are able to contribute to it to the best of their abilities and in conditions of equal opportunity. This depends on respect for the rights of the individual and for civil liberties.

As United States delegate J. Kenneth Blackwell told the 1992 Commission on Human Rights, a Government that protects political and civil rights creates the most nurturing environment for development. In his opinion, political and civil rights are the foundation on which the economic and social welfare of the individual should be constructed.

A similar view was expressed by British delegate Henry Steel. Governments should not go beyond their proper sphere, he said, adding that the ordinary citizen would not be motivated to play a full part in the development process unless human rights were fully respected and protected by an open and fair legal system.

The opposite view sees the right to development as a prerequisite for realizing civil and political rights. Pakistan's delegate, Mohammed Saeed Ansari, told the Commission that the realization of the right to development was a sound foundation upon which the superstructure of the entire body of human rights could be firmly raised.

For Mexican delegate Eleazar Ruiz y Avila, development is the most rational way to create stability, promote well-being and encourage democracy and economic expansion. He stated that the right to development strengthened individual freedoms and not the other way around.

A more comprehensive view, such as that expressed in the 1986 Declaration, does not try to separate human rights into distinct categories. In the words of the Declaration, all human rights are "indivisible and interdependent", and the full enjoyment of one depends on the realization of the others.

Democracy and development

All participants in the debate see democracy as essential in realizing the right to development. "Failure to apply and respect the principles of democratic government has been shown to be a serious obstacle to the realization of the right to development", states a 1991 report of the United Nations Secretary-General summarizing the views of Member States.

But many observers say the mere introduction of political pluralism is not enough to turn a poor society into a prosperous one. Madagascar's delegate, Norbert Rastirahonana, told the 1992 Commission on Human Rights that it is necessary to support the democratic changes initiated by various least developed countries.

And Bangladesh's Foreign Minister, Mostafizur Rahman, told the 1991 General Assembly that democracy without development runs the risk of disappearing. "Without democracy a people's potential for socio-economic progress cannot flower. Equally, without improved standards of living and a vision of the future that cannot sustain hope, democracy will wither".

Cape Verde's Foreign Minister, Jorge Carlos Fonseca, concurs. As he told the Assembly, "If today democracy seems to be part of our common culture, and respect for the protection of human rights deserves the support of all countries, then economic development should equally be a major concern . . . Democracy and human rights alone cannot ensure the well-being and happiness of peoples and are certainly not a substitute for economic development. Certainly democracy and the protection of human rights are indispensable conditions for creating a favourable climate for development, but development that is in and of itself an important factor in consolidating democracy also requires human and material resources and a policy aimed at creating a prosperous and wealthy society."

The most vulnerable

There is also widespread agreement on the need to devote particular attention to the right to development of the most vulnerable groups—such as children, women, rural people, indigenous peoples and the extremely poor.

"The abuse of the rights of indigenous peoples is principally a development issue", states a 1991 report of the United Nations Secretary-General. "Forced development has deprived them of their human rights, in particular the right to life and the right to their own means of subsistence . . . Indigenous peoples have been, in fact, victims of development policies which deprive them of their economic base—land and resources—and they are almost never the beneficiaries."

The same report called upon all institutions and individuals "to promote women's right to development, for development that violates women's rights is not development". Despite the recognition of equal rights for women in international instruments, they are often undermined by culturally, religiously or socially sanctioned inequalities between men and women. In addition, development projects sometimes disregard women's traditional roles and their contribution to national productivity, place an undue

burden on women for implementation and create inequalities in access to external resources and services.

Extreme poverty is another threat to the realization of human rights. The 1991 General Assembly stated that extreme poverty is a violation of human dignity, a threat to the right to life and a condition that prevents the most vulnerable groups from exercising their human rights. The elimination of poverty and the enjoyment of economic, social and cultural rights are interrelated, the Assembly added.

World Conference

One of the six objectives of the World Conference on Human Rights will be to examine the relationship between development and the enjoyment of economic, social, cultural, civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy these rights. In March-April 1992, at the second Preparatory Committee meeting for the Conference, various developing countries made it clear that they attached special importance to the subject.

India, for example, stated that the 1993 Conference needed to emphasize that development should be the central global concern, so that the weakest and the poorest were enabled to enjoy human rights. China stated that the Conference should reflect the important connection between human rights and economic development. One speaker said that the Conference would be an opportunity to show that the right to development synthesizes all other categories of human rights.

Economic implications

Far from being abstract, the debate on the right to development has far-reaching economic implications.

The developing countries have argued that the current state of the world economy is not conducive to the expansion of human rights. Foreign debts of the developing countries currently amount to more than $1.3 trillion. Primary commodity prices, upon which most economies of the developing nations depend for exports and hard currency, have reached their lowest levels since the 1930s. In Africa, Asia and Latin America, extreme poverty remains the lot of hundreds of millions.

At the 1991 General Assembly, developing countries stated that their efforts should be supported by an increased flow of resources and by measures creating a favourable environment for development. In particular, they said, measures should be adopted at the international level aimed at restructuring international economic relations.

Similar proposals were made at the 1992 Commission on Human Rights. In the view of Nigerian delegate Olu Adeniji, most developing countries are victims of an international economic system that inhibits their economic and social development. He emphasized that the debt burden and ever-falling commodity prices have led to drops in national incomes and increasing impoverishment.

For Kenyan delegate Christopher K. Mburu, the right to development can be realized only by revising the net external transfer of resources from the developing countries to the developed, thereby freeing such resources for the advancement of economic growth; by reducing all types of debts; and by establishing a trading system that is multilateral, transparent and non-discriminatory.

Industrial countries have been called on to help promote the right to development. As stressed in 1990 by the United Nations Committee on Economic, Social and Cultural Rights, "In the absence of an active programme of international assistance and cooperation on the part of all those States that are in a position to undertake one, the full realization of economic, social and cultural rights will remain an unfulfilled aspiration in many countries."

Without such a programme, the gap between rich and poor countries is bound to increase. As Greece's Foreign Minister, Andonis Samaras, told the 1991 General Assembly, "to support the ideals of democracy, the Western world must also systematically promote and encourage economic development .... Goodwill and sympathy are not enough. We must, at all costs, never allow the old ideological division of East and West to be substituted by a new division of poverty between North and South."

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